

- i. present David Leibowitz or another representative, with adequate preparation, for a Rule 30(b)(6) deposition on Topic No. 12 in AoA's Notice of Rule 30(b)(6) Deposition; or
 - ii. produce documents sufficient to show the data points sought by Topic No. 12 in AoA's Notice of Rule 30(b)(6) Deposition;
- c. Compelling Stoler to present David Leibowitz for a deposition in his individual capacity on:
 - i. any subject matter that relates to any of the documents that Stoler produced after Mr. Leibowitz's deposition that pertain to AoA's First RFPD Nos. 1, 17, 18, 19, 20, and 27;
 - ii. Stoler's document systems and its retention and collection of relevant materials for this case;
- d. Compelling Stoler to present David Leibowitz or another representative, with adequate preparation, for a Rule 30(b)(6) deposition on Topic Nos. 1 and 16 in AoA's Notice of Rule 30(b)(6) Deposition;
- e. In the event that the Court orders one or more a subsequent depositions, AoA respectfully requests that the Court order Stoler to pay for AoA's fees and expenses in connection with such deposition(s);
- f. Barring Stoler from presenting any evidence of lost franchise ("blue sky") value of its franchise at the trial of this case; and
- g. Awarding AoA its fees and expenses incurred in connection with this motion.

Dated: September 23, 2016

Respectfully submitted,

/s/

R. Mark Dare
Va. Bar No. 14146
Counsel for Defendant
ISLERDARE PC
1945 Old Gallows Road, Suite 650
Vienna, Virginia 22182
T: (703) 748-2690
F: (703) 748-2695
mdare@islerdare.com

/s/

James R. Vogler (admitted *pro hac vice*)
Daniel R. Fine (admitted *pro hac vice*)
Jack O. Snyder, Jr. (admitted *pro hac vice*)
Emily L. Gesmundo (admitted *pro hac vice*)
Counsel for Defendant
BARACK FERRAZZANO
KIRSCHBAUM & NAGELBERG LLP
200 West Madison Street, Suite 3900
Chicago, Illinois 60606
T: (312) 984-3100
F: (312) 984-3150
Jim.vogler@bfkn.com
Dan.fine@bfkn.com
Jack.snyder@bfkn.com
Emily.gesmundo@bfkn.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2016, I served a true and accurate copy of the foregoing by filing it electronically with the Clerk of the Court using CM/ECF system, which will send a notification of such filing (NEF) to the following:

Barbara S. Wahl, Esq.
Arent Fox LLP
1717 K Street, N.W.
Washington, DC 20006
Barbara.wahl@arentfox.com

Russell P. McRory, Esq.
Arent Fox LLP
1675 Broadway
New York, NY 10019
Russell.mcrory@arentfox.com

Sean Nicholas Clerget, Esq.
Arent Fox LLP
1717 K Street NW
Washington, DC 20036-5344
sean.clerget@arentfox.com

Michael Palmer McMahan, Esq.
Arent Fox LLP
1675 Broadway
New York, NY 10019
michael.mcmahan@arentfox.com

_____/s/
R. Mark Dare
Va. Bar No. 14146
Counsel for Defendant
ISLERDARE PC
1945 Old Gallows Road, Suite 650
Vienna, Virginia 22182
T: (703) 748-2690
F: (703) 748-2695
mdare@islerdare.com